

AIR QUALITY PERMIT

Issued To: JTL Group, Inc.
P.O. Box 9
21730 Frontage Road
Belgrade, MT 59714

Permit #2659-03
Administrative Amendment (AA) Request Received: 02/10/03
Department Decision on AA: 03/07/03
Permit Final: 03/25/03
AFS #777-2659

An air quality permit, with conditions, is hereby granted to JTL Group, Inc. (JTL) pursuant to Sections 75-2-204 and 211 of the Montana Code Annotated (MCA), as amended, and Administrative Rules of Montana (ARM) 17.8.740, *et seq.*, as amended, for the following:

Section I: Permitted Facilities

A. Plant Location

JTL operates a portable crushing/screening plant at various locations throughout Montana. Permit #2659-03 applies while operating at any location within the state of Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.* An addendum will be required for locations in or within 10 kilometers (km) of a particulate matter with an aerodynamic diameter less than 10 microns (PM₁₀) non-attainment area. A complete list of the permitted equipment can be found in Section I.A of the Permit Analysis.

B. Current Permit Action:

On January 31, 2003, JTL requested to remove the 1981 El Jay cone crusher from Permit #2659-02. In addition, on February 10, 2003, the Department received a request to transfer Permit #2659-02 from Figgins Sand & Gravel, Inc. to JTL Group, Inc.

Section II: Limitations and Conditions

A. Operational Requirements

1. All visible emissions from any Standards of Performance for New Stationary Sources (NSPS) affected crushers may not exhibit an opacity of 15% or greater averaged over 6 consecutive minutes (ARM 17.8.340, ARM 17.8.752, and 40 CFR 60, Subpart OOO).
2. JTL shall not cause or authorize to be discharged into the atmosphere from any other NSPS affected equipment, such as screens or conveyor transfers, any visible fugitive emissions that exhibit an opacity of 10% or greater averaged over 6 consecutive minutes (ARM 17.8.304 and ARM 17.8.752)
3. JTL shall not cause or authorize to be discharged into the atmosphere from any non-NSPS affected equipment, any visible fugitive emissions that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes (ARM 17.8.304).
4. JTL shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter (ARM 17.8.308 and ARM 17.8.752).
5. JTL shall treat all unpaved portions of the haul roads, access roads, parking lots,

or the general plant area with water and/or chemical dust suppressant, as necessary, to maintain compliance with the reasonable precautions limitation in Section II.A.4 (ARM 17.8.752).

6. Water and spray bars shall be available on site and used, as necessary, to maintain compliance with the opacity limitations in Sections II.A.1, II.A.2, and II.A.3 (ARM 17.8.752).
7. If the permitted equipment is used in conjunction with any other equipment owned or operated by JTL, at the same site, production shall be limited to correspond with an emission level that does not exceed 250 tons during any rolling 12-month time period. Any calculations used to establish production levels shall be approved by the Department (ARM 17.8.752).
8. JTL shall comply with all applicable standards, limitations, and the reporting, record keeping, testing, and notification requirements contained in 40 CFR Part 60, Subpart OOO, for the crushing plant (ARM 17.8.340 and 40 CFR Part 60, Subpart OOO).

B. Testing Requirements

1. Within 60 days after achieving the maximum production rate, but not later than 180 days after initial start up, an EPA Method 9 opacity test and/or other methods and procedures as specified in 40 CFR Part 60.675 must be performed on the NSPS affected equipment to demonstrate compliance with the emission limitations contained in Sections II.A.1 and II.A.2 (ARM 17.8.340, 40 CFR Part 60, General Provisions and Subpart OOO).
2. All compliance source tests shall be conducted in accordance with the Montana Source Test Protocol and Procedures Manual (ARM 17.8.106).
3. The Department may require further testing (ARM 17.8.105).

C. Operational Reporting Requirements

1. If this crushing/screening plant is moved to another location, an Intent to Transfer form must be sent to the Department. In addition, a Public Notice Form for Change of Location must be published in a newspaper of general circulation in the area where the transfer is to be made, at least 15 days prior to the move. The Intent to Transfer Form and the proof of publication (affidavit) of the Public Notice Form for Change of Location must be submitted to the Department prior to the move. These forms are available from the Department (ARM 17.8.765).
2. JTL shall maintain on-site records showing daily hours of operation and daily production rates for the last 12 months. The records compiled in accordance with this permit shall be maintained by JTL as a permanent business record for at least 5 years following the date of the measurement, shall be submitted to the Department upon request, and shall be available at the plant site for inspection by the Department (ARM 17.8.749).
3. JTL shall supply the Department with annual production information for all

emission points, as required by the Department in the annual emission inventory request. The request will include, but is not limited to, all sources of emissions identified in the most recent emission inventory report and sources identified in Section I.A of the permit analysis.

Production information shall be gathered on a calendar-year basis and submitted to the Department by the date required in the emission inventory request. Information shall be in units as required by the Department (ARM 17.8.505).

4. JTL shall notify the Department of any construction or improvement project conducted pursuant to ARM 17.8.745(1)(d) that would include a change in control equipment, stack height, stack diameter, stack flow, stack gas temperature, source location, or fuel specifications, or would result in an increase in source capacity above its permitted operation or the addition of a new emissions unit. The notice must be submitted to the Department, in writing, 10 days prior to start up or use of the proposed de minimis change, or as soon as reasonably practicable in the event of an unanticipated circumstance causing the de minimis change, and must include the information requested in ARM 17.8.745(1)(d) (ARM 17.8.745).

Section III: General Conditions

- A. Inspection - JTL shall allow the Department's representatives access to the source at all reasonable times for the purpose of making inspections, surveys, collecting samples, obtaining data, auditing any monitoring equipment (CEMS, CERMS) or observing any monitoring or testing, and otherwise conducting all necessary functions related to this permit.
- B. Waiver - The permit and all the terms, conditions, and matters stated herein shall be deemed accepted if JTL fails to appeal as indicated below.
- C. Compliance with Statutes and Regulations - Nothing in this permit shall be construed as relieving JTL of the responsibility for complying with any applicable federal or Montana statute, rule or standard, except as specifically provided in ARM 17.8.740, *et seq.* (ARM 17.8.756).
- D. Enforcement - Violations of limitations, conditions and requirements contained herein may constitute grounds for permit revocation, penalties or other enforcement as specified in Section 75-2-401, *et seq.*, MCA.
- E. Appeals - Any person or persons jointly or severally adversely affected by the Department's decision may request, within 15 days after the Department renders its decision, upon affidavit setting forth the grounds therefore, a hearing before the Board of Environmental Review (Board). A hearing shall be held under the provisions of the Montana Administrative Procedures Act. The Department's decision on the application is not final unless 15 days have elapsed and there is no request for a hearing under this section. The filing of a request for a hearing postpones the effective date of the Department's decision until the conclusion of the hearing and issuance of a final decision by the Board.
- F. Permit Inspection - As required by ARM 17.8.755, Inspection of Permit, a copy of the air quality permit shall be made available for inspection by Department personnel at the location of the permitted source.

- G. Construction Commencement - Construction must begin within 3 years of permit issuance and proceed with due diligence until the project is complete or the permit shall be revoked.
- H. Permit Fees - Pursuant to Section 75-2-220, MCA, as amended by the 1991 Legislature, failure to pay the annual operation fee by JTL may be grounds for revocation of this permit, as required by that section and rules adopted thereunder by the Board.
- I. The Department may modify the conditions of this permit based on local conditions of any future site. These factors may include, but are not limited to, local terrain, meteorological conditions, proximity to residences, etc.
- J. JTL shall comply with the conditions contained in this permit while operating at any location in Montana, except within those areas that have a Department approved permitting program.

PERMIT ANALYSIS
JTL Group, Inc.
Permit Number 2659-03

I. Introduction/Process Description

A. Permitted Equipment

JTL Group, Inc. (JTL) owns and operates a portable crushing/screening plant. The crushing screening plant includes the following equipment; a 1997 Armadillo jaw crusher (300 TPH); a 1950 Pioneer roll crusher (180 TPH); a 1964 Cedar Rapids 4' x 14' two-deck screen (200 TPH)(cone plant); a 1965 Cedar Rapids 5' x 16' three-deck screen (180 TPH)(roll plant); and associated equipment. Permit #2659-03 applies while operating in any location within the state of Montana, except within those areas having a Department of Environmental Quality (Department) approved permitting program. *A Missoula County air quality permit will be required for locations within Missoula County, Montana.*

B. Process Description

JTL proposes to use this crushing/screening plant and associated equipment to sort sand and gravel materials that will be used in their construction operations.

For a typical operational setup, the raw pit material is sent through the jaw crusher, conveyed to the cone crusher, and sent to the primary screen for sizing. From the primary screen the material is conveyed to the secondary screen, then sent through the rolls crusher, and ultimately conveyed to a stockpile for use.

C. Permit History

On August 31, 1990, Figgins Sand and Gravel, Inc. (Figgins) was issued Permit #2659-00 to operate a portable crushing/screening plant containing a 1952 Pioneer jaw crusher, a 1950 Pioneer roll crusher, and associated equipment. The plant was initially located in the SE¼ of Section 5, Township 7 South, Range 4 East, in Gallatin County, MT.

On June 26, 1999, Figgins was issued Permit #2659-01. This permit action added a 1964 El Jay cone crusher to the permit according to the provisions of the Administrative Rules of Montana (ARM) 17.8.705(1)(r). Permit #2659-01 replaced Permit #2659-00.

On April 23, 2002, Figgins was issued Permit #2659-02 to replace the 1964 El Jay cone crusher listed in Permit #2659-01 with a 1981 El Jay cone crusher (200 TPH). In addition, Figgins requested to replace the 1952 Pioneer jaw crusher listed in Permit #2659-01 with a 1997 Armadillo jaw crusher (300 TPH). The Department removed the 1964 El Jay cone crusher and the 1952 Pioneer jaw crusher from the permit. Further, the Department added the 1981 El Jay cone crusher and the 1997 Armadillo jaw crusher to the permit according to the provisions of ARM 17.8.705(1)(r). Permit #2659-02 replaced Permit #2659-01.

D. Current Permit Action

On February 10, 2003, the Department received a request to transfer Permit #2659-02 from Figgins. to JTL. In addition, on January 31, 2003, JTL requested to remove the 1981 El Jay cone crusher from Permit #2659-02. Permit #2659-03 will replace Permit

#2659-02.

E. Additional Information

Additional information, such as applicable rules and regulations, Best Available Control Technology (BACT) determinations, air quality impacts, and environmental assessments, is included in the permit analysis associated with each change to the permit.

II. Applicable Rules and Regulations

The following are partial quotations of some applicable rules and regulations, which apply to the facility. The complete rules are stated in the ARMs and are available upon request from the Department. Upon request, the Department will provide references for locations of complete copies of all applicable rules and regulations or copies where appropriate.

A. ARM 17.8, Subchapter 1 - General Provisions, including, but not limited to:

1. ARM 17.8.105 Testing Requirements. Any person or persons responsible for the emission of any air contaminant into the outdoor atmosphere shall, upon written request of the Department, provide the facilities and necessary equipment, including instruments and sensing devices, and shall conduct tests, emission or ambient, for such periods of time as may be necessary using methods approved by the Department.
2. ARM 17.8.106 Source Testing Protocol. The requirements of this rule apply to any emission source testing conducted by the Department, any source, or other entity as required by any rule in this chapter, or any permit or order issued pursuant to this chapter, or the provisions of the Clean Air Act of Montana, 75-2-101, *et seq.*, Montana Code Annotated (MCA).

JTL shall comply with all requirements contained in the Montana Source Test Protocol and Procedures Manual, including, but not limited to, using the proper test methods and supplying the required reports. A copy of the Montana Source Test Protocol and Procedures Manual is available from the Department upon request.
3. ARM 17.8.110 Malfunctions. (2) The Department must be notified promptly by telephone whenever a malfunction occurs that can be expected to create emissions in excess of any applicable emission limitation, or to continue for a period greater than 4 hours.
4. ARM 17.8.111 Circumvention. (1) No person shall use or cause or permit the use of any device or means which, without resulting in reduction in total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant that would otherwise violate an air pollution control regulation. (2) No equipment that may produce emissions shall be operated or maintained in such a manner that a public nuisance is created.

B. ARM 17.8, Subchapter 2 - Ambient Air Quality, including, but not limited to:

1. ARM 17.8.210 Ambient Air Quality Standards for Sulfur Dioxide
2. ARM 17.8.211 Ambient Air Quality Standards for Nitrogen Dioxide
3. ARM 17.8.212 Ambient Air Quality Standards for Carbon Monoxide
4. ARM 17.8.220 Ambient Air Quality Standard for Settled Particulate

5. ARM 17.8.223 Ambient Air Quality Standard for PM₁₀
JTL must maintain compliance with the applicable ambient air quality standards.

C. ARM 17.8, Subchapter 3 - Emission Standards, including, but not limited to:

1. ARM 17.8.304 Visible Air Contaminants. This rule requires that no person may cause or authorize emissions to be discharged into the outdoor atmosphere from any source installed after November 23, 1968, that exhibit an opacity of 20% or greater averaged over 6 consecutive minutes.
2. ARM 17.8.308 Particulate Matter, Airborne. (1) This rule requires an opacity limitation of 20% for all fugitive emission sources and that reasonable precautions be taken to control emissions of airborne particulate matter. (2) Under this rule, JTL shall not cause or authorize the use of any street, road, or parking lot without taking reasonable precautions to control emissions of airborne particulate matter.
3. ARM 17.8.310 Particulate Matter, Industrial Process. This rule requires that no person shall cause or authorize to be discharged into the atmosphere particulate matter in excess of the amount set forth in this section.
4. ARM 17.8.340 Standard of Performance for New Stationary Sources. This rule incorporates, by reference, 40 CFR 60, Standards of Performance for New Stationary Sources (NSPS). Based on the information submitted by JTL, the portable crushing/screening plant is an NSPS affected source. At the time of issuance of Permit #2659-03, the 1997 Armadillo jaw crusher and all affected equipment, such as conveyor transfers, are subject to NSPS requirements (40 CFR Part 60, Subpart A General Provisions, and Subpart OOO, Non-Metallic Mineral Processing Plants).

D. ARM 17.8, Subchapter 5 - Air Quality Permit Application, Operation and Open Burning Fees, including, but not limited to:

1. ARM 17.8.504 Air Quality Permit Application Fees. JTL shall submit an air quality permit application fee concurrent with the submittal of an air quality permit application. A permit application is incomplete until the proper application fee is paid to the Department. An application fee is not required for the current permit action because it is an administrative amendment.
2. ARM 17.8.505 Air Quality Operation Fees. An annual air quality operation fee must, as a condition of continued operation, be submitted to the Department by each source of air contaminants holding an air quality permit, excluding an open burning permit, issued by the Department. This operation fee is based on the actual or estimated amount of air pollutants emitted during the previous calendar year.

An air quality operation fee is separate and distinct from an air quality permit application fee. The annual assessment and collection of the air quality operation fee, as described above, shall take place on a calendar-year basis. The Department may insert into any final permit issued after the effective date of these rules such conditions as may be necessary to require the payment of an air quality operation fee on a calendar-year basis, including provisions which pro-rate the required fee amount.

- E. ARM 17.8, Subchapter 7 - Permit, Construction and Operation of Air Contaminant Sources, including, but not limited to:
1. ARM 17.8.740 Definitions. This rule is a list of applicable definitions used in this chapter, unless indicated otherwise in a specific subchapter.
 2. ARM 17.8.743 Montana Air Quality Permit—When Required. This rule requires a facility to obtain an air quality permit or permit alteration if they construct, alter or use any asphalt plant, crusher or screen that has the potential to emit greater than 15 tons per year of any pollutant. JTL has the potential to emit more than 25 tons per year of total particulate matter (PM), particulate matter with an aerodynamic diameter less than 10 microns (PM₁₀), and nitrogen oxides (NO_x), therefore, a permit is required.
 3. ARM 17.8.744 Montana Air Quality Permits – General Exclusions. This rule identifies the activities that are not subject to the Montana air Quality Permit Program.
 4. ARM 17.8.745 Montana Air Quality Permits – Exclusion for De Minimis Changes. This rule identifies the de minimis changes at permitted facilities that are not subject to the Montana Air quality Permit Program.
 5. ARM 17.8.748 New or Modified Emitting Units -- Permit Application Requirements. This rule requires that an application be submitted prior to the installation, modification or use of a source. Because the current permitting action is a de minimis modification according to the provisions of ARM 17.8.745(1), submittal of an application is not required. (7) This rule requires that the applicant notify the public by means of legal publication in a newspaper of general circulation in the area affected by the application for a permit. JTL is not required to submit an affidavit of publication because the current permitting action is an administrative amendment.
 6. ARM 17.8.749 Conditions for Issuance or Denial of Permit. This rule requires that the permits issued by the Department must authorize the construction and operation of the facility or emitting unit subject to the conditions in the permit and the requirements of this subchapter. This rule also requires that the permit must contain any conditions necessary to assure compliance with the FCAA, the Clean Air Act of Montana, and rules adopted under those acts.
 7. ARM 17.8.752 Emission Control Requirements. This rule requires a source to install the maximum air pollution control capability, which is technically practicable and economically feasible, except that BACT shall be utilized. The required BACT analysis is included in Section III of this permit analysis.
 8. ARM 17.8.755 Inspection of Permit. This rule requires that air quality permits shall be made available for inspection by the Department at the location of the source.
 9. ARM 17.8.756 Compliance with Other Requirements. This rule states that nothing in the permit shall be construed as relieving JTL of the responsibility for complying with any applicable federal or Montana statute, rule or standard,

except as specifically provided in ARM 17.8.740, *et seq.*

10. ARM 17.8.759 Review of Permit Applications. This rule describes the Department's responsibilities for processing permit applications and making permit decisions on those permit applications that do not require the preparation of an environmental impact statement.
 11. ARM 17.8.760 Additional Review of Permit Applications. This describes the Department's responsibilities for processing permit applications and making permit decisions on those applications that require an environmental impact statement.
 12. ARM 17.8.762 Duration of Permit. A Montana air quality permit shall be valid until revoked, amended, or modified as provided in this subchapter, except that a permit issued prior to construction of a new or altered source may contain a condition providing that the permit will expire unless construction is commenced within the time specified in the permit, which in no event may be less than 1 year after the permit is issued.
 13. ARM 17.8.763 Revocation of Permit. An air quality permit may be revoked upon written request of the permittee, or for violations of any requirement of the Clean Air Act of Montana, rules adopted under the Clean Air Act of Montana, the FCAA, rules adopted under the FCAA, or any applicable requirement contained in the Montana State Implementation Plan (SIP).
 14. ARM 17.8.764 Administrative Amendment of Permit. An air quality permit may be amended for changes in any applicable rules and standards adopted by the Board of Environmental Review (Board) or changed conditions of operation at a source or stack which do not result in an increase in emissions because of those changed conditions of operation. The owner or operator of a facility may not increase the facility's emissions beyond permit limits unless the increase meets the criteria in ARM 17.8.745 for a de minimis change not requiring a permit, or unless the owner or operator applies for and receives another permit in accordance with ARM 17.8.748, ARM 17.8.749, ARM 17.8.752, ARM 17.8.755, and ARM 17.8.756, and with all applicable requirements in ARM Title 17, Chapter 8, subchapters 8, 9, and 10.
 15. ARM 17.8.765 Transfer of Permit. This rule states that an air quality permit may be transferred from one person to another if written notice of Intent to Transfer, including the names of the transferor and the transferee, is sent to the Department.
- F. 17.8, Subchapter 8 - Prevention of Significant Deterioration of Air Quality, including, but not limited to:
1. ARM 17.8.801 Definitions. This rule is a list of applicable definitions used in this sub-chapter.
 2. ARM 17.8.818 Review of Major Stationary Sources and Major Modification--Source Applicability and Exemptions. The requirements contained in ARM 17.8.819 through ARM 17.8.827 shall apply to any major stationary source and any major modification with respect to each pollutant subject to regulation under the FCAA that it would emit, except as this subchapter would otherwise allow.

This facility is not a major stationary source because it is not a listed source and does not have the potential to emit more than 250 tons per year of any air pollutant.

G. ARM 17.8, Subchapter 12 - Operating Permit Program Applicability, including, but not limited to:

1. ARM 17.8.1201 Definitions. (23) A Major Source under Section 7412 of the FCAA is defined as any stationary source having:
 - a. Potential to Emit (PTE) > 100 tons/year of any pollutant;
 - b. PTE > 10 tons/year of any one Hazardous Air Pollutant (HAP), PTE > 25 tons/year of a combination of all HAPs, or lesser quantity as the Department may establish by rule; or
 - c. PTE > 70 tons/year of PM₁₀ in a serious PM₁₀ nonattainment area.
2. ARM 17.8.1204 Air Quality Operating Permit Program Applicability. (1) Title V of the FCAA Amendments of 1990 requires that all sources, as defined in ARM 17.8.1204 (1), obtain a Title V Operating Permit. In reviewing and issuing Air Quality Permit #2659-03 for JTL, the following conclusions were made:
 - a. The facility's PTE is less than 100 tons/year for any pollutant;
 - b. The facility's PTE is less than 10 tons/year of any one HAP, and less than 25 tons/year of a combination of all HAPs;
 - c. This source is not located in a serious PM₁₀ nonattainment area;
 - d. This facility is subject to a current NSPS standard (40 CFR Part 60, Subpart OOO);
 - e. This facility is not subject to any current NESHAP standard;
 - f. This source is not a Title IV affected source or a solid waste combustion unit; and
 - g. This source is not an EPA designated Title V source.

Based on these facts, the Department determined that JTL will be a minor source of emissions as defined under Title V. However, if minor sources subject to NSPS are required to obtain a Title V Operating Permit, JTL will be required to obtain an operating permit.

III. BACT Determination

A BACT determination is required for each new or altered source. JTL shall install on the new or altered source the maximum air pollution control capability, which is technically practicable and economically feasible, except that BACT shall be utilized. However, a BACT analysis is not required for the current permit action because it is an administrative amendment.

IV. Emission Inventory

Source	Tons/Year					
	TSP	PM ₁₀	NO _x	VOC	CO	SO _x
1997 Armadillo jaw crusher (300 TPH)	3.29	1.58				
1950 Pioneer roll crusher (180 TPH)	3.29	1.58				
1964 Cedar Rapids 2 deck screen (200 TPH)	20.70	9.86				
1965 Cedar Rapids 3 deck screen (180 TPH)	20.70	9.86				
Material Transfer	19.05	9.20				
Pile Forming	11.04	5.26				
Bulk Loading	5.52	2.63				
Diesel Generator (400 kw)	5.17	5.17	72.83	5.80	15.69	4.82
Haul Roads	2.74	1.23				
Total	91.50	46.37	72.83	5.80	15.69	4.82

- A complete Emission Inventory for Permit #2659-03 is on file with the Department.

V. Existing Air Quality and Impacts

Permit #2659-03 is issued for the operation of a portable crushing plant to be operated at various sites within Montana. Permit #2659-03 will cover the crushing plant when operating at any location within Montana, excluding those counties that have a Department approved permitting program. In the view of the Department, the amount of controlled emissions generated by this project will not exceed any set ambient standard. In addition, this source is portable and any air quality impacts will be minimal and short-lived.

VI. Taking or Damaging Implication Analysis

As required by 2-10-101 through 105, MCA, the Department conducted a private property taking and damaging assessment and determined there are no taking or damaging implications.

VII. Environmental Assessment

An environmental assessment, required by the Montana Environmental Policy Act (MEPA), was not required for the current permit action because it is a de minimis change as specified in 17.8.745 and is considered an administrative amendment.

Permit Analysis Prepared by: Julie Merkel
Date: March 4, 2003